

Law Offices of  
**BONNETT, FAIRBOURN, FRIEDMAN  
& BALINT, P.C.**  
2325 East Camelback Road, Suite 300  
Phoenix, Arizona 85016  
(602) 274-1100

Lisa T. Hauser (#006985)  
([lhauser@bffb.com](mailto:lhauser@bffb.com))  
Carrie A. Laliberte (#032556)  
([claliberte@bffb.com](mailto:claliberte@bffb.com))  
Attorneys for Defendant  
State Bar of Arizona

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

Peter Strojnik, (Sr.),  
  
Plaintiff,  
  
vs.  
  
State Bar of Arizona,  
  
Defendant.

Case No. CV-19-02704-PHX-DJH

**DEFENDANT STATE BAR OF  
ARIZONA'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
ITS MOTION TO DISMISS  
PLAINTIFFS' AMENDED  
COMPLAINT**

Pursuant to Federal Rule of Evidence 201, Defendants State Bar of Arizona ("SBA") respectfully requests that this Court take judicial notice of:

1. Order of Interim Suspension of Peter Strojnik in PDJ 2018-9018;
2. Complaint against Peter Strojnik in PDJ 2018-9105;
3. Peter Strojnik's Motion to Recognize Strojnik's Expressive Dissociation from the Arizona State Bar in PDJ 2018-9105;
4. The State Bar of Arizona's Motion to Strike in PDJ 2018-9105;
5. Strojnik's Response to the SBA's Motion to Strike in PDJ 2018-9105;
6. Order Re: Motion to Recognize Expressive Dissociation in PDJ 2018-9105;
7. Strojnik's Consent to Disbarment in PDJ 2018-9105; and

1 8. Judgment of Disbarment in PDJ 2018-9105.

2 This request is explained more fully in the following Memorandum of Points and  
3 Authorities.

#### 4 **MEMORANDUM OF POINTS AND AUTHORITIES**

##### 5 **I. INTRODUCTION.**

6 In his amended complaint [Doc. 14], Plaintiff alleges various violations of his rights  
7 in connection with disciplinary action taken against him for his conduct in connection with  
8 the filing of over 1,700 complaints in state court and over 160 complaints in district court  
9 alleging violations of the Americans with Disabilities Act (“ADA”) and the Arizonans with  
10 Disabilities Act (“AZDA”). Each of the documents for which the SBA requests judicial  
11 notice is a record from Plaintiff’s disciplinary proceedings before the Arizona Presiding  
12 Disciplinary Judge and either discussed in Plaintiff’s amended complaint or forms the basis  
13 for it.

14 This request is supported by the Declaration of Chief Bar Counsel Maret Vessella,  
15 attached as **Exhibit A**. Each of the documents for which judicial notice is requested are  
16 authenticated in her Declaration and true and correct copies attached as **Exhibits 1-8** to her  
17 Declaration.

##### 18 **II. ARGUMENT.**

19 Federal Rule of Evidence 201 provides, in relevant part, that a “court may judicially  
20 notice a fact that is not subject to reasonable dispute because it: (1) is generally known  
21 within the trial court’s territorial jurisdiction; or (2) can be accurately and readily  
22 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid.  
23 201(b). “Where judicial notice is requested, and the court receives sufficient information,  
24 judicial notice is mandatory” under Fed. R. Evid. 201(c). *Tribe v. Central Arizona Water*  
25 *Conservation District*, 2019 WL 2058818, \*2 (D.Ariz. Mar. 31, 2019).

26 Judicial notice of Plaintiff’s disciplinary records at the heart of his complaint is  
27 appropriate. Their existence and what they say is a matter of public record and not subject  
28 to reasonable dispute over their authenticity. The Court may take judicial notice of matters

1 of public record and “of pleadings, memoranda, and other verifiable documents from related  
 2 litigation.” *Mlynarczyk v. Wilmington Savings Fund Society FSB*, 2016 WL 3524329, at \*2  
 3 (D.Ariz. Apr. 29, 2016).

4 The State Bar requests that these disciplinary records be judicially noticed for their  
 5 existence and their reporting of the circumstance and grounds for discipline in these matters.  
 6 The truth of the underlying facts adjudicated in those disciplinary proceedings are *not* the  
 7 subject of this request for judicial notice. *See Pelligrini v. Fresno County*, 742 Fed.Appx.  
 8 209, 211 (9<sup>th</sup> Cir. 2018) (district court did not abuse its discretion by taking judicial notice  
 9 of documents filed in state court proceedings and made clear that he took judicial notice of  
 10 the existence of the documents and not the truth or correctness of their content); *Hutton v.*  
 11 *McDaniel*, 264 F. Supp.3d 996, 1008 (D.Ariz. 2017) (“When a court takes judicial notice  
 12 of a public record, ‘it may do so not for the truth of the facts recited therein, but for the  
 13 existence of the [record], which is not subject to reasonable dispute over its authenticity.”).

### 14 **III. CONCLUSION.**

15 For the foregoing reasons, the Defendant State Bar of Arizona respectfully requests  
 16 that this Court judicially notice the above-described records to be used for the limited  
 17 purposes set forth herein.

18 DATED this 1<sup>st</sup> day of July, 2019.

19 **BONNETT, FAIRBOURN, FRIEDMAN &**  
 20 **BALINT, P.C.**

21 By /s/ Lisa T. Hauser

22 Lisa T. Hauser

23 Carrie A. Laliberte

24 2325 E. Camelback Rd., Ste. 300

25 Phoenix, Arizona 85016

26 *Attorneys for Defendant State Bar of Arizona*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of July, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all parties.

/s/ Carolyn Alter  
Legal Assistant to Lisa T. Hauser

1. My name is Maret Vessella. I am over eighteen years of age and competent to make this declaration.

2. I am Chief Bar Counsel and a member in good standing with the State Bar of Arizona. My Arizona State Bar Number is \_\_\_\_\_.

3. In that capacity, I supervise Senior Bar Counsel Shauna Miller, who was counsel of record in disciplinary proceedings against Peter Strojnik, PDJ 2018-9018 and PDJ 2018-9105. I have personal knowledge of the matters set forth herein.

4. On July 11, 2018, Arizona's Presiding Disciplinary Judge ("PDJ") ordered Strojnik's immediate, interim suspension from the practice of law. A true and correct copy of that Order of Interim Suspension is attached hereto, and incorporated herein by reference, as **Exhibit 1**.

